

FILED 08 JUN 30 09:48 USDC-OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LENNIE TY DAVIDSON,

Civ. No. 08-3004-CL

Plaintiff,

v.

ORDER

F.B.I. AGENT SHAWN DOBLE,
et al.,

Defendants.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke has filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff has filed objections, so this court reviews the Report and Recommendation *de novo*. See 28 U.S.C. § 636(b)(1)(C); Holder v. Holder, 392 F.3d 1009, 1022 (9th Cir. 2004).

I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

DISCUSSION

I adopt with one minor modification. Plaintiff's claims against federal agents arise under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), not 42 U.S.C. § 1983. This distinction makes no difference to the result, however, because the same statute of limitations applies to Bivens actions. Van Strum v. Lawn, 940 F.2d 406, 409-10 (9th Cir. 1991). Similarly, to the extent that plaintiff is bringing a claim under the Federal Tort Claims Act (FTCA), that claim is barred by the FTCA's two-year statute of limitations. 28 U.S.C. § 2401(b).

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#9) is adopted. This action is dismissed with prejudice. Plaintiff's motion to reassign case (#16) and to have a legal say (#15) are denied.

IT IS SO ORDERED.

DATED this 30 day of June, 2008.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE